

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN ELAINE, for herself and a class,	:	No. 2:15CV1271 WB
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CREDIT CONTROL LLC,	:	
LVNV FUNDING LLC,	:	
RESURGENT CAPITAL SERVICES LP,	:	
and ALEGIS GROUP LLC,	:	
	:	
Defendants.	:	

**PLAINTIFF’S MOTION (1) TO HAVE PLAINTIFF’S REQUESTS
FOR ADMISSION DEEMED ADMITTED, (2) TO COMPEL RESPONSES TO
PLAINTIFF’S INTERROGATORIES AND REQUESTS FOR PRODUCTION,
AND (3) FOR SANCTIONS**

Plaintiff Dawn Elaine respectfully moves the Court for an order, (1) deeming Defendant Credit Control LLC (“Credit Control”) to have admitted Plaintiff’s Requests for Admissions, (2) compelling Credit Control to respond to Plaintiff’s Interrogatories and Requests to Produce within seven days, and (3) awarding attorney’s fees and costs to Plaintiff for having to bring this motion.

In support of this motion, Plaintiff states as follows:

1. On July 7, 2015, Plaintiff served all Defendants with Plaintiff’s First Set of Discovery Requests. These requests consisted of Interrogatories and Requests to Produce, and Requests for Admission. (Plaintiff’s Requests for Admission, Appendix A.)
2. All Defendants except Defendant Credit Control have responded to Plaintiff’s discovery requests.
3. Plaintiff’s counsel granted Credit Control’s counsel two extensions to answer Plaintiff’s discovery requests. The second extension expired on September 4, 2015. On

September 8, 2015, Credit Control's counsel, Ronald M. Metcho, II, stated in an e-mail that he would have the responses by September 11, 2015. (September 8, 2015 E-Mail from Ronald M. Metcho II to Cassandra Miller, Appendix B.) On September 24, 2015, after a Rule 37 conference with Plaintiff's counsel, Carlo Sabbatini, Mr. Metcho reiterated in an e-mail to Mr. Sabbatini that he was "working diligently with my client to provide you with our discovery responses." (September 24, 2015 E-Mail from Ronald M. Metcho II to Carlo Sabbatini, Appendix C.)

4. As of the end of the day on October 5, 2015, Plaintiff's counsel had still not received Credit Control's responses.

Wherefore, for the foregoing reasons and those set forth in the accompanying memorandum, Plaintiff respectfully moves the Court for an order, (1) deeming Defendant Credit Control to have admitted Plaintiff's Requests for Admissions, (2) compelling Credit Control to respond to Plaintiff's Interrogatories and Requests to Produce within seven days, and (3) awarding attorney's fees and cost to Plaintiff for having to bring this motion.

Respectfully submitted,

/s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
EDELMAN, COMBS, LATTURNER &
GOODWIN, LLC
20 South Clark Street, Suite 1500
Chicago, IL 60603
Telephone: (312) 917-4500
Facsimile: (312) 419-0379
E-Mail: info@edcombs.com
fgreene@edcombs.com

CERTIFICATE OF COUNSEL

I, Daniel A. Edelman, hereby attest that the parties, after reasonable effort, are unable to resolve the dispute.

CERTIFICATE OF SERVICE

I, Daniel A. Edelman, hereby certify that on October 6, 2015, I filed the foregoing document with the Court using the CM/ECF system, which caused such filing to be sent to all the following parties of record:

Ronald M. Metcho, II
Marshall Dennehey Warner Coleman & Goggin, P.C.
2000 Market Street, Suite 2300
Philadelphia, PA 19103
215-575-2765 / 215-575-0856
RMMetcho@mdwgc.com
Attorney for all Defendants

Carlo Sabatini
Sabatini Law Firm, LLC
216 N. Blakely St.
Dunmore, PA 18512
(570) 341-9000
carlo@bankruptcypa.com

/s/ Daniel A. Edelman
Daniel A. Edelman

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN ELAINE, for herself and a class,	:	No. 2:15CV1271 WB
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CREDIT CONTROL LLC,	:	
LVNV FUNDING LLC,	:	
RESURGENT CAPITAL SERVICES LP,	:	
and ALEGIS GROUP LLC,	:	
	:	
Defendants.	:	

**PROPOSED ORDER ON
PLAINTIFF’S MOTION (1) TO HAVE PLAINTIFF’S REQUESTS FOR ADMISSION
DEEMED ADMITTED, (2) TO COMPEL RESPONSES TO PLAINTIFF’S
INTERROGATORIES AND REQUESTS FOR PRODUCTION,
AND (3) FOR SANCTIONS**

As to Plaintiff’s Motion (1) To Have Plaintiff’s Requests for Admission Deemed Admitted, (2) To Compel Responses to Plaintiff’s Interrogatories and Requests to Produce, and (3) for Sanctions, PLAINTIFF’S MOTION IS GRANTED AND IT IS HEREBY ORDERED:

1. Plaintiff’s Requests for Admissions are Deemed Admitted by Defendant Credit Control LLC.
 2. Defendant Credit Control LLC shall answer Plaintiff’s Interrogatories and Requests For Production within seven (7) days of this order.
 3. Defendant Credit Control LLC shall pay Plaintiff’s counsel reasonable time and expenses for bringing the motion. Absent agreement between the parties as to Plaintiff’s counsel reasonable time and expenses, Plaintiff’s counsel may petition the Court for such an award.
- SO ORDERED.

DATED: _____

FOR THE COURT: _____, J.
United States District Court
Eastern District of Pennsylvania